IN THE UNITED STATES DISTRICT COURT WESTERN DISTRICT OF ARKANSAS FORT SMITH DIVISION

**OLEN JAMES HICKS** 

**PLAINTIFF** 

v.

NO. 16-2215

NANCY A. BERRYHILL,<sup>1</sup> Commissioner Social Security Administration

**DEFENDANT** 

**JUDGMENT** 

For reasons stated in a memorandum opinion of this date, the Court hereby reverses the decision of the Commissioner, and remands this case for further consideration pursuant to sentence four of 42 U.S.C. § 405(g). The parties have sixty days from entry of the judgment on the docket in which to appeal.

If Plaintiff wishes to request an award of attorney's fees and costs under the Equal Access to Justice Act (EAJA) 28 U.S.C. § 2412, an application may be filed up until 30 days after the judgment becomes "not appealable" i.e., 30 days after the 60-day time for appeal has ended. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S.C. 2625 (1993); 28 U.S.C. §§ 2412(d)(1)(B), (d)(2)(G).

IT IS SO ORDERED AND ADJUDGED this 25th day of April, 2017.

<u>|s| Erin L. Wiedemann</u>

HON. ERIN L. WIEDEMANN UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> Nancy A. Berryhill, has been appointed to serve as acting Commissioner of Social Security, and is substituted as Defendant, pursuant to Rule 25(d)(1) of the Federal Rules of Civil Procedure.